

Union Calendar No. 235

106TH CONGRESS
1ST SESSION**H. R. 970****[Report No. 106–405]**

To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1999

Mr. THUNE introduced the following bill; which was referred to the Committee on Resources

OCTOBER 20, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 3, 1999]

A BILL

To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Perkins County Rural*
3 *Water System Act of 1999”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds that—*

6 *(1) in 1977, the North Dakota State Legislature*
7 *authorized and directed the State Water Commission*
8 *to conduct the Southwest Area Water Supply Study,*
9 *which included water service to a portion of Perkins*
10 *County, South Dakota;*

11 *(2) amendments made by the Garrison Diversion*
12 *Unit Reformulation Act of 1986 (Public Law 101–*
13 *294) authorized the Southwest Pipeline project as an*
14 *eligible project for Federal cost share participation;*
15 *and*

16 *(3) the Perkins County Rural Water System has*
17 *continued to be recognized by the State of North Da-*
18 *kota, the Southwest Water Authority, the North Da-*
19 *kota Water Commission, the Department of the Inte-*
20 *rior, and Congress as a component of the Southwest*
21 *Pipeline Project.*

22 **SEC. 3. DEFINITIONS.**

23 *In this Act:*

24 *(1) CORPORATION.—The term “Corporation”*
25 *means the Perkins County Rural Water System, Inc.,*
26 *a nonprofit corporation established and operated*

1 *under the laws of the State of South Dakota substan-*
2 *tially in accordance with the feasibility study.*

3 (2) *FEASIBILITY STUDY.*—*The term “feasibility*
4 *study” means the study entitled “Feasibility Study*
5 *for Rural Water System for Perkins County Rural*
6 *Water System, Inc.”, as amended in March 1995.*

7 (3) *PROJECT CONSTRUCTION BUDGET.*—*The term*
8 *“project construction budget” means the description of*
9 *the total amount of funds that are needed for the con-*
10 *struction of the water supply system, as described in*
11 *the feasibility study.*

12 (4) *PUMPING AND INCIDENTAL OPERATIONAL RE-*
13 *QUIREMENTS.*—*The term “pumping and incidental*
14 *operational requirements” means all power require-*
15 *ments that are incidental to the operation of the*
16 *water supply system by the Corporation.*

17 (5) *SECRETARY.*—*The term “Secretary” means*
18 *the Secretary of the Interior, acting through the Com-*
19 *missioner of the Bureau of Reclamation.*

20 (6) *WATER SUPPLY SYSTEM.*—*The term “water*
21 *supply system” means intake facilities, pumping sta-*
22 *tions, water treatment facilities, cooling facilities, res-*
23 *ervoirs, and pipelines operated by the Perkins County*
24 *Rural Water System, Inc., to the point of delivery of*

1 *water to each entity that distributes water at retail*
2 *to individual users.*

3 **SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.**

4 *(a) IN GENERAL.—The Secretary shall make grants to*
5 *the Corporation for the Federal share of the costs of—*

6 *(1) the planning and construction of the water*
7 *supply system; and*

8 *(2) repairs to existing public water distribution*
9 *systems to ensure conservation of the resources and to*
10 *make the systems functional under the new water sup-*
11 *ply system.*

12 *(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION*
13 *FUNDS.—The Secretary shall not obligate funds for the con-*
14 *struction of the water supply system until—*

15 *(1) the requirements of the National Environ-*
16 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
17 *are met with respect to the water supply system; and*

18 *(2) a final engineering report and a plan for a*
19 *water conservation program have been prepared and*
20 *submitted to Congress for a period of not less than 90*
21 *days before the commencement of construction of the*
22 *system.*

23 **SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.**

24 *Mitigation of fish and wildlife losses incurred as a re-*
25 *sult of the construction and operation of the water supply*

1 *system shall be on an acre-for-acre basis, based on ecological*
2 *equivalency, concurrent with project construction, as pro-*
3 *vided in the feasibility study.*

4 **SEC. 6. USE OF PICK-SLOAN POWER.**

5 *For operation during the period beginning May 1 and*
6 *ending October 31 of each year, portions of the water supply*
7 *system constructed with assistance under this Act shall be*
8 *eligible to utilize power from the Pick-Sloan Missouri Basin*
9 *Program established by section 9 of the Act of December*
10 *22, 1944 (Chapter 665; 58 Stat. 887), popularly known as*
11 *the Flood Control Act of 1944.*

12 **SEC. 7. FEDERAL SHARE.**

13 *The Federal share under section 4 shall be 75 percent*
14 *of—*

15 *(1) the amount allocated in the total project con-*
16 *struction budget for the planning and construction of*
17 *the water supply system under section 4; and*

18 *(2) such sums as are necessary to defray in-*
19 *creases in development costs reflected in appropriate*
20 *engineering cost indices after March 1, 1995.*

21 **SEC. 8. NON-FEDERAL SHARE.**

22 *The non-Federal share under section 4 shall be 25 per-*
23 *cent of—*

1 (1) *the amount allocated in the total project con-*
2 *struction budget for the planning and construction of*
3 *the water supply system under section 4; and*

4 (2) *such sums as are necessary to defray in-*
5 *creases in development costs reflected in appropriate*
6 *engineering cost indices after March 1, 1995.*

7 **SEC. 9. CONSTRUCTION OVERSIGHT.**

8 (a) *AUTHORIZATION.*—*At the request of the Corpora-*
9 *tion, the Secretary may provide to the Corporation assist-*
10 *ance in overseeing matters relating to construction of the*
11 *water supply system.*

12 (b) *PROJECT OVERSIGHT ADMINISTRATION.*—*The*
13 *amount of funds used by the Secretary for planning and*
14 *construction of the water supply system may not exceed an*
15 *amount equal to 3 percent of the amount provided in the*
16 *total project construction budget for the portion of the*
17 *project to be constructed in Perkins County, South Dakota.*

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated to the*
20 *Secretary—*

21 (1) *\$15,000,000 for the planning and construc-*
22 *tion of the water supply system under section 4; and*

23 (2) *such sums as are necessary to defray in-*
24 *creases in development costs reflected in appropriate*
25 *engineering cost indices after March 1, 1995.*

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